

1 According to a Status Report provided by his attorney, Defendant is approaching
 2 the end of his custodial sentence and is no longer housed at the federal prison in
 3 Victorville, California. Defendant is currently at a halfway house. “According to
 4 BOP’s inmate locator, Mr. Zamora has been transferred to an undisclosed halfway
 5 house.” ECF No. 102 at 1.

6 **III. DISCUSSION**

7 The case or controversy requirement of Article III of the Federal Constitution
 8 deprives the Court of jurisdiction to hear moot cases. *Iron Arrow Honor Soc’y v.*
 9 *Heckler*, 464 U.S. 67, 70 (1983); *NAACP, Western Region v. City of Richmond*, 743
 10 F.2d 1346, 1352 (9th Cir. 1984). A case becomes moot if the “the issues presented are
 11 no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.”
 12 *Murphy v. Hunt*, 455 U.S. 478, 481 (1984). When a prisoner is released from custody,
 13 his motion for compassionate release becomes moot because there is no further relief
 14 this Court can provide. *See e.g., United States v. McCain-Bray*, No. 2:16cr00224-KJD-
 15 CWH, 2021 WL 5501103, at *1 (D. Nev. Nov. 23, 2021) (motion for compassionate
 16 release rendered moot when defendant was released from prison and transferred to a
 17 residential reentry center); *United States v. Makerson*, No. 1:04cr0064-MR-WCM-1,
 18 2021 WL 4314464, at *1 (W.D.N.C. Sept. 22, 2021) (“Given that the Defendant has
 19 now been released from Butner Low and has been transferred to a halfway house, it
 20 appears that the basis for his compassionate release request is now moot and should be
 21 denied on this basis alone.”); *but see United States v. Tarabein*, No. 17cr0090-KD-B,
 22 2021 WL 5181309 (S.D. Ala. Nov. 8, 2021) (denying compassionate release on merits
 23 while defendant released by BOP on home confinement); *United States v. Mathews*, No.
 24 CR 20-40029, 2021 WL 4523588 (D. S.D. Oct. 4, 2021) (same).

25 Based on his attorney’s report that Defendant is now at a halfway house, this
 26 motion is moot. Moreover, even if the motion is not moot due to his transfer to a
 27 halfway house, the status report also suggests Defendant is no longer interested in
 28 pursuing his motion. The report indicates that Defendant did not want to discuss his

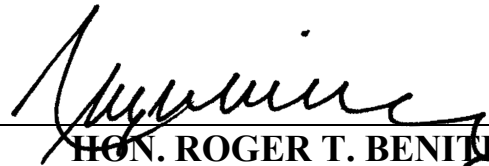
1 motion in a scheduled telephone visit with his attorney and declined to talk with his
2 attorney. It also notes that Defendant has not responded to his attorney's follow-up
3 letter. Thus, it appears that Defendant no longer wants to pursue the motion, and thus,
4 the motion is now moot.

5 **IV. ORDER**

6 For the reasons set forth above, IT IS ORDERED that the motion be denied
7 without prejudice.

8 **IT IS SO ORDERED.**

9 DATED: December 17, 2021


10 **HON. ROGER T. BENITEZ**
11 United States District Judge
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